

Docket No: 38-21(52703)B

Objections to the Amendment to the Specification -

The objection to the amendment to the specification at page 9, lines 5-16 is traversed. The purpose of the amendment was to update the status of a provisional application by noting the subsequent published patent application number, thus giving those skilled in the art more ready access to a publicly available reference. Applicant believes that the amendment to identify a publication is appropriate. Reconsideration and withdrawal of the objection is respectfully requested.

Rejection of Claims under 35 U.S.C. 112, second paragraph

Applicant submits that the indefiniteness rejection based on the use of the words "functionally equivalent" is obviated by the proposed amendment. Reconsideration and withdrawal of this rejection in view of the proposed amendment is respectfully requested.

Rejections of Claims under 35 U.S.C. 112, first paragraph- enablement

Claims 1-2 and 5-7 stand rejected as containing subject matter not described in the specification in such a way as to enable a person skilled in the art to make or use the invention. Applicant continues to traverse this rejection which is based on the claim being characterized by a Hap3 protein with a consensus amino acid sequence. However, to facilitate the allowance of claims to a commercially important embodiment, applicant requests amendment to reduce the scope to maize homolog proteins of SEQ ID NO:2 and 3. Reconsideration and withdrawal of this rejection in view of the proposed amendment is respectfully requested.

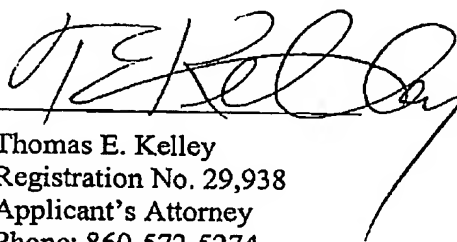
Rejections of Claims under 35 U.S.C. 112, first paragraph – written description

Claims 1-2 and 5-7 stand rejected as failing to comply with the written description requirement. Applicants continue to traverse this rejection but nonetheless submit that the rejection can be obviated by the proposed amendment in which the scope of the claims would be limited to commercially important embodiments of Hap3 proteins characterized by the amino acid sequence of maize homolog proteins of SEQ ID NO:2 and 3. Reconsideration and withdrawal of this rejection in view of the proposed amendment is respectfully requested.

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Applicants respectfully request entry of the proposed amendment and reconsideration and withdrawal of the outstanding rejections with allowance of the amended claims.

Respectfully submitted,



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